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★ NOV 21 2011 ★

BROOKLYN OFFICE

UNITED STATES DISTRICT COURT
EASTERN DISTRICT OF NEW YORK

DARPHIL GEORGE, REAVA SEYMOUR,
DERRENCE GEORGE, ISAAC GEORGE, JAJERIN
JONES, and BREANNA BURKE

Plaintiffs,

- against -

THE CITY OF NEW YORK, DENNIS MOONEY,
CORNELIUS BUCKLEY, STEPHEN BONUSO,
NELVA CENTENO, RACHEL CALZARETTA,
GEORGE BOAN, ROBERT HANSON, MICHAEL
LOPRESTI, VINCENT ORSINI, STEPHANI
SANCHEZ, CARL WATSON, CESAR BRENES
and DWAYNE BREWSTER,

Defendants.

**STIPULATION OF
SETTLEMENT AND ORDER OF
DISMISSAL**

10 CV 2407 (JBW)(RML)

WHEREAS, plaintiffs Darphil George, Reava Seymour, Derrence George, Isaac George, Jajerin Jones, and Breanna Burke commenced this action by filing a complaint on or about May 27, 2010, alleging that the defendants violated plaintiffs' federal civil and state common law rights; and

WHEREAS, Defendants have denied any and all liability arising out of plaintiffs' allegations; and

WHEREAS, the parties now desire to resolve the issues asserted in this litigation, without further proceedings and without admitting any fault or liability;

NOW, THEREFORE, IT IS HEREBY STIPULATED AND AGREED, by and between the undersigned, as follows:

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1. The above-referenced action is hereby dismissed against Defendants, with prejudice, and without costs, expenses, or attorneys' fees in excess of the amounts specified in paragraph "2" below.

2. The City of New York hereby agrees to pay plaintiff DARPIL GEORGE the sum of FORTY-FIVE THOUSAND (\$45,000.00) Dollars and agrees to pay plaintiff DERRENCE GEORGE the sum of FORTY-FIVE THOUSAND (\$45,000) Dollars and agrees to pay plaintiff ISAAC GEORGE the sum of FORTY-FIVE THOUSAND (\$45,000) Dollars and agrees to pay plaintiff JAJERIN JONES the sum of FORTY-FIVE THOUSAND (\$45,000) Dollars and agrees to pay plaintiff BREANNA BURKE the sum of FORTY-FIVE THOUSAND (\$45,000) Dollars and agrees to pay plaintiff REAVA SEYMOUR the sum of FIVE THOUSAND (\$5,000) Dollars, for a total aggregate sum of \$230,000 in full satisfaction of all claims, including claims for costs, expenses and attorneys' fees. In consideration for the payment of these sums, plaintiffs agree to dismissal of all claims against the defendants and to release the individual defendant Dennis Mooney, Cornelius Buckley, Stephen Bonuso, Nelva Centeno, Rachel Calzaretta, George Boan, Robert Hanson, Michael Lopresti, Vincent Orsini, Stephani Sanchez, Carl Watson, Cesar Brenes and Dwayne Brewster and the City of New York, and any present or former employees and agents of the City of New York or any agency thereof, from any and all liability, claims, or rights of action from the beginning of the world to the day of the date of the General Releases, including claims for costs, expenses, and attorneys' fees.

3. Plaintiffs shall execute and deliver to Defendants' attorney all documents necessary to effect this settlement, including, without limitation, General Releases based on the terms of paragraph 2 above and Affidavits of Status of Liens. If Medicare has provided payment and/or benefits for any injury or condition that is the subject of this lawsuit, prior to tendering

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the requisite documents to effect this settlement, Plaintiffs shall have notified Medicare and shall submit with the settlement documents a Medicare final demand letter for conditional payments. A Medicare Set-Aside Trust may also be required if future anticipated medical costs are found to be necessary pursuant to 42 U.S.C. §1395y(b) and 42 C.F.R. §§411.22 through 411.26.

4. Nothing contained herein shall be deemed to be an admission by the Defendants that they in any manner or way violated plaintiffs' rights, or the rights of any other person or entity, as defined in the constitutions, statutes, ordinances, rules or regulations of the United States, the State of New York, or the City of New York or any other rules, regulations or bylaws of any department or subdivision of the City of New York. This stipulation shall not be admissible in, nor is it related to, any other litigation or settlement negotiations.

5. Nothing contained herein shall be deemed to constitute a policy or practice of the City of New York or any agency thereof.

6. Plaintiffs agree to hold harmless Dennis Mooney, Cornelius Buckley, Stephen Bonuso, Nelva Centeno, Rachel Calzaretta, George Boan, Robert Hanson, Michael Lopresti, Vincent Orsini, Stephani Sanchez, Carl Watson, Cesar Brenes and Dwayne Brewster and the City of New York, regarding any liens or past and/or future Medicare payments, presently known or unknown in connection with this matter. If conditional and/or future anticipated Medicare payments have not been satisfied, defendants reserve the right to issue a multiparty settlement check, naming Medicare as a payee or to issue a check to Medicare directly based upon Medicare's final demand letter.

7. This Stipulation and Order contains all the terms and conditions agreed upon by the parties hereto, and no oral agreement entered into at any time nor any written

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agreement entered into prior to the execution of this Stipulation and Order regarding the subject matter of the instant proceeding shall be deemed to exist, or to bind the parties hereto, or to vary the terms and conditions contained herein.

Dated: New York, New York
October , 2011

Brett H. Klein, Esq.
Leventhal & Klein, LLP
Attorney For Plaintiffs
45 Main Street, Suite 230
Brooklyn, NY 11201
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By: 

Brett H. Klein, Esq.
Attorney for Plaintiffs

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Corporation Counsel of the
City of New York
By: David M. Pollack,
Assistant Corporation Counsel
Attorney for Defendants
100 Church Street, Rm. 3-146
New York, New York 10007
(212) 788-1894



David M. Pollack

SO ORDERED:

Dated: New York, New York

October 18, 2011

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HON. JACK B. WEINSTEIN
U.S. DISTRICT COURT JUDGE

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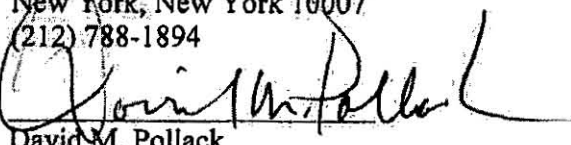
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HON. JACK B. WEINSTEIN
U.S. DISTRICT COURT JUDGE